

LOCAL PLANNING AGENCY/
PLANNING AND ZONING COMMISSION
COUNTY SERVICES BUILDING
ROOM 1028
June 5, 2002 - 7:00 P.M
MINUTES

Board Present:

Tom Mahoney, Vice Chairman
Dick Harris
Paul Tremel
Don Nicholas
Beth Hattaway

Board Absent

Ben Tucker, Chairman
Allan Peltz

Staff Present:

Matt West, Planning Division Manager
Pam Hastings, Public Works Department
Kent Cichon, Planning Division
Cynthia Sweet, Development Review Division
Shannon Suffron, Development Review Division
Jeff Hopper, Planning Division
Cindy Matheny, Planning Division
Kathy Fall, Planning Division
Alice Gilmartin, Planning Division
Karen Consalo, Assistant County Attorney

I. CALL TO ORDER

Acting Chairman Mahoney convened the meeting to order at 7:00 p.m.

II. ROLL CALL

Quorum was established.

III. ACCEPTANCE OF PROOF OF PUBLICATION

Motion by Commissioner Harris to accept proof of publication. Second by Paul Tremel.

Motion passed unanimously. (5-0)

IV. APPROVAL OF MINUTES

Commissioner Tremel stated that he was absent for the May 1, 2002, meeting and it was not noted in the minutes

Motion to approve the minutes of the May 1, 2002, meeting, as amended, passed unanimously. (5-0)

V. NEW BUSINESS

A. BRIEFING ON PROPOSED ORDINANCE AMENDING ROAD IMPACT FEE CHAPTER 120 OF THE SEMINOLE COUNTY LAND DEVELOPMENT CODE.

PAM HASTINGS, PUBLIC WORKS DEPARTMENT MANAGER

A staff review of Seminole County's Road Impact Fee program was recently finalized in conjunction with the Vision 2020 update to the Comprehensive Plan. On May 28, 2002 the Board of County Commissioners (BCC) authorized public hearing consideration of resulting proposals for amendment of Chapter 120 of the Seminole County Land Development Code, to include the establishment of future sunset dates.

KEY FINDINGS

- As previously envisioned, the 1991 Local Option Sales Tax enabled this program to be advanced by forward-funding growth's impact fee share of these improvement costs.
- The 1990 Road Impact Fee program of improvements (affecting approximately 80 miles of County arterial and collector roadways) is in the final stages of implementation; the 50 phases of designated projects are either all completed or in progress.
- Repayment of the advance funding is programmed to occur consistent with concepts originally set forth in both the Road Impact Fee ordinance and the 1991 Sales Tax program.
- Repayment is also consistent with provisions of the Comprehensive Plan which call for growth to be responsible for covering its share of costs for various public facilities, including the major road network. [Relevant financing policies of the Vision 2020 Comprehensive Plan may be reviewed under the Capital Improvements Element/Objective 4 and Transportation Element/Objective 13.]
- Funds of the five Road Impact Fee Districts are now available to begin repayment of the advance funding.
- Schedules previously reviewed with the County Commission for the remaining Road Impact Fee projects can remain on-track so long as repayment occurs.

- No changes to Road Impact Fee rates are necessary to implement the repayments. However, the fee levied in each District should sunset at a projected future date based upon estimates of approximate time to accomplish repayment, with no Collector district extending beyond the Arterial sunset date.

The resulting proposed sunset dates are:

North Collector-	12/31/2002
East Collector-	12/31/2007
South Collector-	12/31/2021
West Collector-	12/31/2021
Arterial (Countywide)	12/31/2021

- Since repayment is consistent with provisions of the current adopted Road Impact Fee, and no rate or other changes of significance are proposed, it was concluded that there are no pertinent matters of substance to place before two review committees which are currently provided for in the Code. Amendments are therefore proposed to not require convening of these committees unless fee increases were to be considered by a future BCC (see sections 10 and 11 of proposed ordinance).

It should be noted that uses of the repaid monies must be consistent with authorized purposes of the 1991 Local Option Sales Tax, and should not duplicate uses of the Renewed 2001 1¢ sales tax. Staff therefore proposes to develop future recommendations for transportation capital improvements funded by the repayments based upon the following guideline:

- Projects should be new corridor roadways that would serve as arterials or serve to relieve arterials, or transit facilities of similar countywide benefit, and should be describable as being reasonably related to accommodating future growth. This type of project is a category of future need not met under the Renewed 2001 1¢ Sales Tax program, which largely focused on existing and near-term requirements.

The following items were taken out of order.

I. LOT SPLITS IN THE COUNTY'S EAST RURAL AREA SEMINOLE COUNTY BCC; NEW POLICY: ALLOWANCE OF A SINGLE LOT SPLIT IN THE COUNTY'S EAST RURAL AREA FOR THOSE LOTS MEETING CERTAIN CRITERIA PRIOR TO SEPTEMBER 11, 1991.

CINDY MATHENY

Motion by Commissioner Nicholas to continue this item to the July 10, 2002, meeting. Second by Commissioner Harris.

Motion passed unanimously. (5-0)

***J. (BE CONTINUED TO THE AUGUST 7, 2002, MEETING)
ADMINISTRATIVE WAIVERS TO LOT SIZE AND WIDTH SEMINOLE
COUNTY BCC; ORDINANCE AMENDING THE SEMINOLE COUNTY
LAND DEVELOPMENT CODE ALLOWING THE PLANNING AND DEVELOPMENT
DIRECTOR TO APPROVE ADMINISTRATIVE WAIVERS TO LOT SIZE AND
WIDTH, UNDER SPECIAL CIRCUMSTANCES, IN THE RC-1, A-1, A-3, A-5 AND
A-10 ZONING DISTRICTS.***

CINDY MATHENY

Motion by Commissioner Nicholas to continue this item to the August 7, 2002, meeting. Second by Commissioner Harris.

Motion passed unanimously. (5-0)

***B. RYLAND SR 46 WEKIVA PROPERTY (FS RYLAND GROUP/JEFF
PERLMAN, BOWYER SINGLETON- KATHRYN YOUNKIN; APPROXIMATELY
45.17 ACRES MORE OR LESS; FINAL ENGINEERING APPROVAL FOR 42 LOT,
SINGLE FAMILY RESIDENCE, ZONED PUD; SR46 AT MARKHAM RD SOUTHEAST
COMMISSIONER McLAIN - DISTRICT 5*** SHANNON SUFFRON

The applicant is requesting approval for a 42 lot single family subdivision located at the southeast corner of SR 46 and Longwood Markham Road. Internal roads will be private and water and sewer services will be provided by Seminole County utilities. The property contains approximately 46 acres and has a PUD zoning. Major elements of the PUD include:

1. Lots abutting Longwood Markham Road are 1 acre minimum in size. The area calculation for these lots includes a 70' wide buffer along the road and also includes an additional no structure setback of 50' from the buffer.
2. Interior lots are a minimum of ½ acre.
3. The fence along the north and west sides of the property will be porous to allow small wildlife to pass through.
4. A maximum of 42 lots is allowable.

In addition to the PUD requirements, this project is subject to the regulations contained within the Wekiva River Protection Area (WRPA), the SR 46 Scenic Corridor Overlay, and the Longwood Markham Road Scenic Corridor Overlay. The proposed PSP meets the applicable requirements of these regulations. Specific regulatory requirements, such as the 50% tree preservation requirement, SR 46 buffer requirements, and gopher tortoise relocation will be addressed during final engineering review.

The PSP is requesting two waivers to the subdivision regulations, a waiver of the maximum cul-de-sac length requirement of 1,200' and a waiver of the 50' minimum right-of-way width requirement of 50'. The Board of County Commissioners approved the layout of the cul-de-sac length at the time of rezoning. Additionally, the applicant has provided a 20' stabilized emergency access into the site from Longwood Markham Road. The applicant is proposing a 30' right-of-way width with 10' wide easements on

each side of the right-of-way for a total of 50'. Since the easements and right-of-way total 50' and since the roads will be private, staff supports the reduced right-of-way width.

Staff has reviewed the PSP and finds it to meet the applicable regulations of the Seminole County Subdivision regulations, PUD and overlay districts.

Staff recommends approval of the Ryland SR 46 Wekiva Property PSP.

Commissioner Tremel asked if staff was concerned with cars parking on street with the reduction of the right-of-way?

Ms. Suffron said that considering the sufficient lot setback and the 1 acre lots, staff had no concerns.

Motion by Commissioner Harris to approve. Second by Commissioner Hattaway.

Motion passed unanimously. (5-0)

C. PULTE RED BUG PUD PULTE HOME CORP-ALAN HILLI; DONALD W. McINTOSH ASSOC INC.- DAVID M. KELLY, PE. APPROXIMATELY 78.70 ACRES MORE OR LESS; PRELIMINARY SUBDIVISION APPROVAL FOR 251 LOTS, SINGLE FAMILY RESIDENCE, ZONED PUD; 3010 RED BUG LAKE ROAD NORTH END OF RED BUG LAKE ROAD ONE MILE WEST OF DODD ROAD.

COMMISSIONER MALOY— DISTRICT 1

SHANNON SUFFRON

The applicant, Pulte Homes, Inc., is requesting Preliminary Subdivision Plan approval for a 251 lot single family subdivision located on the north side of Red Bug Lake Road, approximately 2.5 miles west of Tusawilla Road. This project contains 78.70 acres and will be developed in two phases. Internal roads will be private and water and sewer services will be provided by Seminole County utilities.

The project has a PUD zoning designation. Major components of the PUD include:

1. Minimum lot size of 6,600 square feet (55' x 120').
2. Houses on perimeter lots abutting existing single family lots shall be limited to one story in height.
3. Pedestrian trails shall be located along both stormwater ponds and within the FPC power easement.

The PUD also requires that existing trees within the buffer tracts along Red Bug Lake Road will be preserved and that a 6' high PVC fence be constructed along the northern, western and eastern boundaries of the site. No waivers are requested for this project.

Staff has reviewed the PSP and finds that it meets the applicable regulations of the Seminole County subdivision code and the conditions of the Pulte/Red Bug PUD.

Staff recommends approval of the Pulte Red Bug PSP.

**Motion by Commissioner Harris to approve. Second by Commissioner Tremel.
Motion passed unanimously. (5-0)**

***D. MIRROR LAKE COMMERCIAL (PSP); FLORIDA CONFERENCE OF SEVENTH DAY ADVENTISTS/ RANDEE REYNOLDS; APPROXIMATELY 9.3 ACRES MORE OR LESS; PRELIMINARY SUBDIVISION APPROVAL FOR 4 LOTS, COMMERCIAL, ZONED PCD; 715 BEAR LAKE ROAD.
COMMISSIONER VAN DER WEIDE — DISTRICT 3 CYNTHIA SWEET***

The applicant, Randee R. Reynolds, Vice-President, Florida Conference of Seventh Day Adventists is requesting approval of the Preliminary Subdivision Plan for the Mirror Lake Commercial subdivision consisting of 4 commercial lots on a 9.3 acre parcel. Each lot contains a minimum of 1.58 acres. The property is located at the southeast corner of SR 436 and Bear Lake Road in the Mirror Lake Commercial PCD.

On May 14, 2002, the Board of County Commissioners approved the final master plan and Developers Agreement for the PCD subject to the conditions of the final Development Order. Extensive buffering and setbacks including installation of an 8' high masonry wall is required between the site and the existing single family homes to the south.

Staff recommends approval of the PSP for the Mirror Lake Commercial subdivision subject to the following.

1. Dedication of a Conservation Easement to Seminole County over post-development wetlands prior to final engineering approval.
2. Meet all conditions of the Developer's Commitment 17-21-29-300-0020-0000 Agreement for Bear Lake Road (Mirror Lake) PCD.

Chairman Mahoney asked if the lot split conformed in all ways to the PUD/PCD that was approved?

Ms. Sweet said yes.

**Motion by Commissioner Harris to approve. Second by Commissioner Tremel.
Motion passed unanimously. (5-0)**

***E. TRINITY RETAIL CENTER (PSP) DALY DESIGN GROUP, APPROXIMATELY 18 ACRES MORE OR LESS; PRELIMINARY SUBDIVISION APPROVAL FOR 168 RESIDENTIAL LOTS AND TWO COMMERCIAL/MIXED USE LOTS, ZONED PUD; SOUTH SIDE OF ALOMA AVENUE (SR 426) AT THE SOUTH END OF TUSKAWILLA ROAD.
COMMISSIONER MALOY - DISTRICT I CYNTHIA SWEET***

The applicant, Thomas Daly is requesting approval of the PSP for the Trinity Retail Center for a mixed residential and retail development consisting of a maximum of 168 residential lots and 2 commercial lots on an 18.14 acre parcel zoned PUD.

Staff recommends approval of the PSP for Trinity Retail Center subject to meeting all conditions of the approved Developer's Commitment Agreement for Trinity Retail Center PUD.

Chairman Mahoney asked if the PSP met all the conditions of the Developer's Commitment Agreement?

Ms. Sweet said the PSP meets all the conditions of the PUD agreement, but all the conditions really relate to final engineering and development of the PUD.

Motion by Commissioner Harris to approve. Second by Commissioner Nicholas.

Motion passed unanimously. (5-0)

F. *COFFARO REZONE JOHN COFFARO; APPROXIMATELY 2.01 ACRES MORE OR LESS; REZONE FROM A-1 (AGRICULTURE) TO R-1AAA (SINGLE-FAMILY RESIDENTIAL DWELLING); NORTHWEST CORNER OF STANLEY STREET AND MARLA AVENUE, LONGWOOD, FL.*
COMMISSIONER HENLEY - DISTRICT 4 **KATHY FALL**

The applicant is requesting a rezoning from A-I (Agriculture) to R-1AAA (Single Family Dwelling district) in order to develop two single family lots on 2.1 acres designated as Low Density Residential land use.

Staff recommends approval of the rezone from A-1 to R-1AAA for a 2.1-acre parcel located at the northwest corner of Stanley Street and Maria Avenue.

Mr. Coffaro, the applicant, agreed with staff's recommendation and requested Board approval.

Motion by Commissioner Tremel to approve. Second by Commissioner Harris.

Motion passed unanimously. (5-0)

G. *BEASLEY PROPERTY DALY DESIGN GROUP/THOMAS DALY; APPROXIMATELY 6.7 ACRES MORE OR LESS; SMALL SCALE COMPREHENSIVE PLAN AMENDMENT FROM LOW DENSITY RESIDENTIAL TO MEDIUM DENSITY RESIDENTIAL; AND REZONE FROM A-1 (AGRICULTURE) TO PUD (PLANNED UNIT DEVELOPMENT); SOUTHWEST CORNER OF TUSKAWILLA ROAD & SUNSET LANE, ¼ MILE NORTH OF DIKE ROAD.*
COMMISSIONER MALOY - DISTRICT I **JEFFREY HOPPER**

The applicant, Thomas Daly of Daly Design Group, requests a Small Scale Land Use Amendment from Low-Density Residential (LDR) to Medium Density Residential (MDR), and rezoning from A-1 to PUD, to allow 48 townhouse units at a density of 7.7 units per acre.

This requires a Small Scale Land Use Amendment from the present Low Density Residential classification to Medium Density Residential, potentially allowing up to 10 units per acre. The units would be designed for fee-simple ownership with each home on a separate, privately owned lot. Design of the units would be Neo-Traditional and would include detached garages, courtyards and alleys.

The site consists of three parcels with several existing land uses, including a cell tower, two residences and vacant land. Land uses surrounding the site are: A church and vacant land to the North; a church and single family residences to the South; Single family residential to the East; and Single family residential to the West.

Development along this section of Tuskawilla Road is primarily low-density single family residential, with certain supporting nonresidential uses, such as churches and day care facilities, permitted by Special Exception.

The designated future land use of all surrounding properties is LDR. Previous approvals of higher intensity commercial and residential uses in the area have been limited to sites north of Howell Creek. This policy has been upheld consistently; a multi-family proposal south of the creek was denied as recently as August 2001.

Staff finds that the proposal is out of character with the low-intensity nature of surrounding development, and could establish a precedent for higher intensities, which could, over time, significantly change the area.

Staff recommends denial of the request due to compatibility issues.

Mr. Daley, the applicant, disagreed with staff's recommendation. He said what they are proposing is a fee simple townhouse project. These will be high-end townhomes that start at \$160,000 and go up to \$225,000. The square footages are significant. This is a "Celebration" style project which will have a detached garage in the back and access through a courtyard to the actual townhomes. This is not rental property, this is for sale only which Centex feels there is a big market for. If you look at the folks that live in Tuskawilla that want to downsize their home, they really don't have an opportunity to stay in the area. We think that this townhome product is a great fit for that. The higher quality is a good blend for the folks that are coming from a \$250,000-\$300,000 house and still allows them to stay in the same neighborhood. There is not much out on the marketplace today that has this level of quality.

The Stonehurst project across the street has built a stone wall that goes across the front of Tuskawilla road and we also have stone and are committed to using stone on the face of the walls which will match the character of the Stonehurst project. This is a 6 acre site and it would be difficult to do anything but this kind of product on a lot this size. The reason this property has stayed in its current state is because there is not a market for single family on this site, there is not a market for an office building on this site, but townhomes have a strong market and would fit in this area.

We don't concur with everything on the staff report. We feel that this property is consistent with the Comprehensive Plan under Policy 2.5.4 under Infill. This property is on an arterial road, which Tuskawilla is, it's just south of the big commercial center that

is sitting out there at the corner of Red Bug and Tuskawilla, and the parcels are a sufficient size with adequate buffers. Mr. Daly doesn't agree with the position that it doesn't fit the existing zoning or the existing neighborhood for a couple of reasons. One, when you look at the Comprehensive Plan it looks very consistent in its land use but when you go out on the site in the area, it's a very mixed use. This is one of the last pieces that can be developed in this corridor north of Dike Road. Therefore, he doesn't feel that it will lead to any precedent relative to the further multi-family use which is the term staff used. We are not talking multi-family, we're talking fee simple attached single family houses with a homeowner's association just like any other subdivision except it will afford the people that live there the opportunity not have the big overhead expenses and the yard maintenance that comes with a house.

He asked for Board approval because he feels it is a good project. He thinks the County needs more infill like this on already built and existing roads. It is difficult to find parcels that have the adequate land uses around them, the right kind of roadway infrastructure and utilities around it and something that can sell in the top dollar market.

Commissioner Harris asked how the parking and other amenities interior to the easements will be handled?

Mr. Daly said primarily the resident parking will be parallel on-street parking. This will be a gated community with private roads. The residents will have an 18' paved alley in the back to access the garage from the back. Most of the open space and recreation is going to be in the streetscape, in the sidewalks and the lighting, with benches along the roadways. The user space will be in the front along the front roadways and the backyards are for the vehicles. There will be no dumpsters on site since we are requesting trash pick-up.

Commissioner Nicholas asked how many acres were the parcels that were rezoned last month?

Mr. Daly said 19.5.

Commissioner Nicholas asked how many homes did that include?

Mr. Daley said the development will have roughly 48 units. They just went through the rezoning and now they are getting into the engineering.

Commissioner Nicholas asked if there would be 6 acres here with 48 units?

Mr. Daly said a little over 6 acres with 48 units. The total project, if you take the 19.5 plus the 6.5, will have roughly 96 units.

PUBLIC COMMENT

Mark Crone, 1050 S. Lake Sybelia Drive, is president of the Stonehurst Homeowner's Association and vice president of the Stonehurst Community Association. He is opposed to the request based on staff's report. He feels that the 19 acre parcel having access over Sunset Lane is a definite benefit to Stonehurst subdivision over what was proposed in the original request. Having that access would be a significant improvement in terms

of the traffic issues that were brought up at the previous meeting. However, the density would go up to 4 times that of Stonehurst and approximately 3 times what has been approved in 19 acre site. He asked if the Board did find it consistent and approve this project, that a subdivision wall be required along Tuskawilla Road, a common entrance with the 19 acre parcel and that the Tuskawilla side of the units be finished in a manner consistent with what is being shown tonight. Lastly, he asked that the County give consideration to installing a light at that intersection. There is a speed issue along that section of Tuskawilla Road, in particular when school gets out. Mr. Daly has expressed interest in a light as well.

He asked that the Board deny this request because of inconsistency as stated in staff's report.

Mr. Daly said that he agreed with Mr. Crone's suggestions. Mr. Daly agreed to the condition that Mr. Crone talked about regarding a subdivision wall being the same character as the one across the street, the units being finished in a manner consistent with Stonehurst and also asked the County to consider a light at that intersection.

Commissioner Tremel asked if the property to the north was under contract?

Mr. Daly said yes. It has just been rezoned from Agriculture to R-1A. Centex has a contract to purchase that property.

Commissioner Tremel asked if this project is approved, is there a commitment that the access would be through Sunset Lane?

Mr. Daly said yes.

Commissioner Tremel asked how that commitment could be made if they did not yet own the property to the north?

Mr. Daly said that he didn't own the property he is applying for tonight either. Centex has them both under contract.

Commissioner Tremel asked what would happen if Centex gets this property but the property on the north falls through? How would you have access through Sunset Lane?

Chairman Mahoney said we could ask for a commitment that the access to the property to the north would survive even if the purchase of the property to the north doesn't.

Mr. Daly said he would agree on record with that commitment.

Chairman Mahoney said if it's not this applicant, then some other applicant will then come through and they'll have the benefit of the access.

Commissioner Tremel asked if they are not successful in purchasing this property, do the conditions of the commitment remain?

Chairman Mahoney said yes because they would be recorded in the Developer's Agreement.

Commissioner Tremel asked staff if they felt comfortable that the conditions could be specific enough that if this falls through and someone else purchases and develops the property the conditions will be upheld?

Mr. Hopper said that those are exactly the types of issues that are contained in Development Orders routinely. The conditions would run with the land and not the owner.

Chairman Harris said that one of the things that we hear over and over again is criticism of our development because of sprawl and yet at every turn when we have an opportunity to provide high quality housing we have some opposition and often end up turning it down for reasons that have nothing to do in a large degree with the quality of the development or it's overall impact. I think that is wrong. A great many people are in their 50s and 60s and they are looking for single family housing that doesn't come with the burden of a large lot and all the yard work that comes with it. They are looking for other kinds of amenities and variety in their choice of housing. If we want to provide that variety of housing for those groups, we need to approve these types of developments.

Commissioner Hattaway said she lives in the Tuskawilla PUD and there are 3 or 4 of this type development and they are gorgeous. This is to the north of Howell Creek and this is where the Commission stated they would like them to stay.

Commissioner Harris said the fact is that this is an ideal parcel for that development because of the other things that are around it in its quadrant. This is a concept that is clearly needed because of the demand.

Motion by Commissioner Harris for approval to amend the land use from Low Density Residential to Medium Density Residential.

Chairman Mahoney passed the gavel to Commissioner Tremel to chair.

Second by Chairman Mahoney.

Motion fails 3-2. Commissioners Tremel, Nicholas and Hattaway voted against the motion.

Motion by Commissioner Tremel to deny the request for the rezoning from A-1 to PUD. Second by Commissioner Hattaway.

Chairman Mahoney said he felt this was a great opportunity to introduce into this market a high quality housing product of attached single family homes and it is a product that is in great demand more and more. The key is to set high standards but we won't have that chance tonight because of the motion to deny.

Motion passed 3-2. Chairman Mahoney and Commissioner Harris voted against the motion.

H. IMPROVEMENTS ELEMENT TEXT AMENDMENT SEMINOLE COUNTY BCC; NEW POLICY SHALL ENABLE THE COUNTY TO MAKE USE OF ANY GAS TAX REVENUES FOR TRANSIT OPERATIONS AND MAINTENANCE.
ALICE GILMARTIN

This is an Ordinance amending Road Impact Fee Chapter 120 of the Land Development Code to proceed with scheduling of public hearings to consider an Ordinance amending Road Impact Fee Chapter 120, Land Development Code, Seminole County, to include the establishment of future sunset dates.

The County currently levies two fuel taxes: 1) the "first six cents" Local Option Gas Tax (LOGT) which is divided with the Cities per an adopted interlocal agreement and which primarily funds road maintenance; and 2) the cent LOGT which funds countywide transit operating expenses paid to LYNX, the regional transit agency.

Staff is suggesting a new policy in the Capital Improvements Element (CIE) that would allow the flexibility of other fuel taxes, besides the 9¢ LOGT, to be used for public transportation costs, both capital and operating expenses. Such a change may require a future amendment to the existing interlocal agreement with the Cities. Also should the "second five cents" fuel tax ever be levied in the County, the revenue may be usable for transit capital and operating costs pending County Attorney review and compliance with the County's adopted comprehensive plan. These revenues could be used for a variety of transit related needs to include funding rail, bus or paratransit needs.

This new policy is proposed to be added under "Objective CIE 1 - Adoption and Update of Capital Improvements Element".

Policy CIE 1 .1 1 Funding of Public Transportation Services

The County shall, at its discretion and in accordance with law, make use of fuel tax revenues and other legal revenue sources for the purpose of funding public transportation capital, operations and maintenance as identified in the Seminole County Comprehensive Plan Capital Improvements Element (CIE). Such revenues may be expended for the public transportation services identified in the CIE including but not limited to capital facilities, operations and maintenance. These services may be provided directly by the County or may be contracted for through public or private service providers.

Explanation on Fuel Taxes

Three separate fuel taxes may be levied by local governments in the State of Florida. These are known as the "Local Option Gas Tax" (LOGT). These taxes consist of three separate levies: the "First Six Cent Tax, which Seminole County levies; a "Second Five Cents Tax", which Seminole County does not levy; and the "Ninth-Cent Fuel Tax", which Seminole County levies.

The First Six Cent Gas Tax generates approximately \$6.5 million per year in revenue and per an adopted interlocal agreement is divided between the County and the Cities. The County receives 64 % of the revenue and the Cities divide the remaining 36%. This LOGT primarily funds road maintenance presently.

The Ninth-Cent Fuel Tax currently generates approximately \$1 .9 million per year. The Board of County Commissioners has dedicated these revenues to fund countywide transit operating expenses. The Cities do not receive any of these revenues but benefit from the provision of transit services from LYNX.

The Second Five Cent Gas Tax, again, is presently not levied in Seminole County. The only neighboring county to assess this LOGT is Volusia County. This tax may be levied at rates ranging from two cents to five cents per gallon of fuel. Approval of this tax would require a voter referendum or a super-majority vote of the Board of County Commissioners.

This is the third fiscal year in a row that the 9¢ gas tax revenue has not met the cost that the County must pay for transit operating services. Staff is looking in the future to have greater flexibility in order to pay for operating expenses. The current 6¢ local option gas tax at this time is primarily dedicated to road maintenance. Should sometime in the future the County adopt what is known as the second 5¢ local option gas tax, which our neighboring County Volusia does, staff would want the flexibility of being able to potentially use some of the gas tax revenues for transit operating expenses.

Commissioner Hattaway asked about the wording “New policies shall enable the County to make use of any gas tax revenues”. She asked if this was referring to the new 1¢ sales tax?

Ms. Gilmartin said no. The sales tax is for capital expenses only, this is for transit operating expenses and possibly for capital in the future.

Motion by Chairman Harris for approval. Second by Commissioner Mahoney.

Motion passed unanimously. (5-0)

VI. PLANNING MANAGER’S REPORT

Mr. West said that Senate Bill 1906 was passed by the Florida Legislature, which made some changes to growth management legislation. He will be forwarding a copy of the summary report from the Department of Community Affairs of those changes to the Board. There are 3 major changes that this Board will probably have to deal with in the future.

The first one is the legislature has recognized the importance of water resources with the drought and the increase in population. They are requiring that we go back and revisit our water resources portion of our Comprehensive Plan and align it more closely with the St. Johns River Water Management District water supply plan. Also they are requiring us to do a 10 year plan for water supply and water resources.

Another change is that they have shortened the review time that DCA will take when reviewing large scale comprehensive plan amendments. Right now DCA has about 60-70 days to review it and give us their comments. They will cut that time in half and take 30 days instead of 60.

Another significant change is that they decided not to mandate school concurrency. What they did require is for us to do some updating of our Elements for Intergovernmental Coordination. We just got 3 out of the 7 cities and the School Board to sign an interlocal agreement for cooperation. There may be some additional portions to the interlocal that we will have to add. We may have to revise it because there are issues about safety the state wants us to address and some other things that weren't in the initial interlocal agreement.

Also, staff has started up their review of the Myrtle Street Special Area Study. We have retained Wilbur Smith as a consult to help with that analysis. We anticipate that the first community meeting will be July 15th and be held somewhere out in the Myrtle Street area or in the Commissioner chambers with the community. We are hoping to have at least 2 meetings with the community and then bring a report to this Board and then forward it to the County Commission.

We are looking at 3 scenarios:

1. Buildout at one unit per acre.
2. Buildout at two units per acre.
3. Buildout at four units per acre.

VII. OTHER BUSINESS

The next meeting will be July 10th, 2002.

VIII. ADJOURNMENT

Meeting adjourned at 8:05 p.m.

Respectfully Submitted,

Fran Newborg, Recording Secretary

The public hearing minutes of the Seminole County Local Planning Agency/Planning and Zoning Commission is not a verbatim transcription. Recorded tapes of the public hearing can be made available, upon request, by contacting the Seminole County Planning Division Office, 1101 E. First Street, Sanford, Florida, 32771, (407) 665-7371.